



**MILPITAS CITY COUNCIL MEETING AGENDA
MARCH 7, 2006**

**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING

(Pursuant to California Government Code Section 54957.6)

City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez

Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), Milpitas Professional & Technical Group (Protech), Laborers' International Union of North America/United Public Employees of California (LIUNA/UPEC), Mid Management/Confidential Unit. Under Negotiation: Wages, Hours, Benefits, Working Conditions

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to California Government Code Section 54956.8)

Property: 82 North Main Street, Milpitas, CA (APN: 028-24-024)

City Negotiator: City of Milpitas (Mark Rogge)

Negotiating Parties: Mr. Chaudhary, Mr. Singh, and Mr. Sandhu

Under Negotiation: Terms and Conditions for Lease

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Govt. Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Councilmember Giordano)

VI. APPROVAL OF MINUTES (February 21, 2006)

VII. SCHEDULE OF MEETINGS

VIII. PRESENTATIONS

Certificate of Re-Appointment:

Mr. Syed Mohsin - Community Advisory Commission

Proclamations:

“Certified Government Financial Manager Month”

“National Purchasing Month”

Certificates of Commendation:

To Milpitas PAL (Police Athletic League) Football – 4 Cheer Mom, 10 Cheer Coaches, and 3 Team Mascot Assistant Coaches

Certificates of Commendation:

To three local groups who organized the First Vietnamese English Principles of Life Essay Celebration and *Principles of Life Essay* Contest.

To 10 Students for First Annual Vietnamese English Principles of Life Essay Celebration *Principles of Life* Winners. Honorable Mentions to Students and Teachers to be noted also.

IX. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with Asterisks)

XIV. PUBLIC HEARINGS (NONE)

XV. UNFINISHED BUSINESS

- * 1. Continuance of Use Permit No. UP2006-1 and "S" Zone No. SZ2006-1 For An Auto Dealership at 950 Thompson St. Applicant: Piercey Automotive Group (Staff Contact: Cindy Maxwell, 586-3287)
- * 2. Report in Response to Request of Councilmember Giordano on Cost of Investigation of Potential Conflict of Interest (Contact: Councilmember Giordano, 586-3032 and City Attorney, 586-3040)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Chair/Mayor

RA2. Roll Call

RA3. Approval of Minutes (February 21, 2006)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library and East Parking Garage, Project Nos. 8162, 8161 (Staff Contact: Mark Rogge, 586-3403)

RA6. Authorize The City Manager To Execute An Agreement For Consultant Services with Critical Solutions, Inc. for the Library, Garage, N. Main Street Development, Project Nos. 8162, 8161, 8165, 8153, 8154, and Other Projects as Assigned (Staff Contact: Mark Rogge, 586-3403)

RA7. Review and Consider the Draft 2005-2010 Redevelopment Implementation Plan and Set a Public Hearing for April 18, 2006 for Consideration of the Final 2005-2010 Implementation Plan (Staff Contact: Diana Whitecar, 586-3059)

- *RA8. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: North Main Street Development Soil Remediation and Site Preparation, Project No. 8154 (Staff Contact: Mark Rogge, 586-3403)**
- *RA9. Adopt Resolution Granting Initial Acceptance: Coyote Creek Trail, Reach 1, Project No. 4206 (Staff Contact: Mark Rogge, 586-3403)**
- *RA10. Approve Purchase Order for Meyers Nave for Public Works Litigation Expenses for Fiscal Year 2005-2006 (Staff Contact: Richard Pio Roda, 586-3040)**
- RA11. Agency Adjournment**

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- * 3. Mayor's Recommendation to Commission (Contact: Mayor Esteves, 586-3029)**

XVIII. NEW BUSINESS (NONE)

XIX. ORDINANCES

- 4. Waive Second Reading and Adopt Ordinance No. 273, Adding Section 1.15 To and Amending Sections 1.01 and 1.03 of Chapter 500 of Title I of the Milpitas Municipal Code related to the Appointment, Power and Duties of an Alternate Member of the City of Milpitas Planning Commission (Staff Contact: Richard Pio Roda, 586-3040)**
- * 5. Waive Second Reading and Adopt Traffic Ordinance 43.203 an Amendment to the Traffic Code to Change Speed Limits on Various Streets (Staff Contact: Jaime Rodriguez, 586-3335)**

XX. RESOLUTIONS (NONE)

XXI. BIDS AND CONTRACTS

- * 6. Authorize the City Manager to Execute an Agreement with CalRecovery, Inc., for Solid Waste Franchise Compensation Audit Services (Staff Contact: Darryl Wong, 586-3345)**
- * 7. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Sewer Deficiency and Structural Correction Program, Project No. 6073 (Staff Contact: Doug DeVries, 586-3313)**
- * 8. Approve New Capital Improvement Project and Budget Appropriation for Milpitas Communications Enhancements Project No. 4232 (Staff Contacts: Jaime Rodriguez, 586-3335, Terry Medina, 586- 2703)**

XXII. CLAIMS AND DEMANDS

- * 9. Approve Payment Request to Medtronic Emergency Response Systems (Staff Contact: Chris Schroeder, 586-3161)**

XXIII. ADJOURNMENT

**NEXT CITY COUNCIL MEETING - BUDGET STUDY SESSION
TUESDAY, MARCH 14, 2006, AT 6:00 P.M.**

**REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 21, 2006, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.
Commissions, boards, councils and other agencies of the City exist to conduct the people's business.
This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

*Senior Advisory Commission (alternate)
Sister City Commission
Mobile Home Park Rental Review Board (alternate)*

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers.
Contact the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

VIII. PRESENTATIONS

Certificate of Re-Appointment:

Syed Mohsin to the Community Advisory Commission

Proclamation:

“Certified Government Financial Manager” Month for the Month of March, 2006
National Purchasing Month

Certificates of Commendation:

1) To Milpitas PAL (Police Athletic League) Football Cheer Moms and Cheer Coaches

Team Mascot Assistant Coaches: Chelsi Romero; Malena Lopez; Natalie Villasenor

	<u>Cheer Moms</u>	<u>Cheer Coaches</u>
Silver Knights Team	Angie Senados	Head Coach Veronica Resendez Asst. Coach Amber Zut
White Knights Team	Sharon Slatton	Head Coach Cassaundra Foster Asst. Coach Shaina Santos
Green Knights Team	Debron Broughton	Head Coach Raquel Jones Asst. Coach Ebony Broughton Asst. Coach Lanisha Jones
Gold Knights Team	Alisa Brown	Head Coach Raquel Jones Asst. Coach Richelle Frazier Asst. Coach Michelle Martello

2) 1st Annual Vietnamese & English *Principles of Life Essay* Celebration organizers:
Community Arts & History Support
Northeast Region APPN
Milpitas Vietnamese Lions Club

1st Annual Vietnamese English Principles of Life Essay Celebration *Principle of Life* Winners and Honorable Mentions

Winners Elementary School/Middle School/High School:

Elementary (K – 6th)

Kimberly Xuan Ly	Bret Harte Middle School	6 th grade
Christine Thien-Thao Doan	Vinci Park School	5 th grade
Crystal Nguyen	Del Roble Elementary	5 th grade

Middle School (7th – 8th)

Kathie Tran	Sylvandale Middle School	7 th grade
Thien Nguyen	Leonard Herman Intermediate School	8 th grade
Nancy Tu-Tran Doan	Piedmont Middle School	7 th grade

High School (9th – 12th)

Hong Le	Independence High School	11 th grade
Mai-Tram Nguyen	Yerba Buena High School	11 th grade
Tam-Nhu Nguyen	Evergreen Valley High School	11 th grade
Kim-Phung Nguyen	Andrew Hill High School	10 th grade

Honorable Mentions:

Donald Nguyen	Franklin School	6 th grade
Emily Huynh	Piedmont Middle School	6 th grade
Andy Vo	Meadows School	6 th grade
Loan-Anh Diep	Shrirakawa School	5 th grade
Luan Tran-Le	LeyVa Middle School	8 th grade
Daniel Nguyen	Sylvandale Middle School	8 th grade
Darien Nguyen	Miller Middle School	8 th grade
Trang Do	Silver Creek High School	10 th grade
Ngoc-Tu Nguyen	Gunderson High School	10 th grade
Dung Phi	Del Mar High	10 th grade

Teachers:

Ms. Le Nancy Phuong
Ms. Ton Nu Nhu Hanh
Ms. Hoang Thi Thinh
Ms. Mai Thoai Tran

XIV. PUBLIC HEARINGS (NONE)

XV. UNFINISHED BUSINESS

- * 1. **Continuance of Use Permit No. UP2006-1 and "S" Zone No. SZ2006-1 for an Auto Dealership at 950 Thompson St. Applicant: Piercey Automotive Group (Staff Contact: Cindy Maxwell, 586-3287)**

Background: Piercey Automotive Group requests approval of Use Permit No. UP2006-1 and S-Zone No. SZ2006-1 for a 10-acre auto dealership with a 70,000 square foot showroom, offices and 52-bay service area. The project was recommended for approval with findings and conditions by the Planning Commission on February 9, 2006.

At the request of Piercey Toyota (applicant) and City staff, the City Council continued this item on February 21, 2006, to a date certain of April 25, 2006. The purpose for the request to continue the item was due to significant design issues related to requirements of a hydrology report to resolve the risk of flooding on the site and the surrounding area. These issues have been resolved and the applicant has requested a City Council hearing date for March 21, 2006. Re-noticing and advertising for the Public Hearing is required and is to be paid by the applicant for 100% cost recovery.

Recommendation: Continue Use Permit No. UP2006-1 and S-Zone No. SZ2006-1 to March 21, 2006.

- * 2. **Report in Response to Request of Councilmember Giordano on Cost of Investigation of Potential Conflict of Interest (Contact: Councilmember Giordano, 586-3032 and City Attorney, 586-3040)**

Background: As requested by Councilmember Giordano, staff prepared an accounting of the total legal cost incurred by the City Attorney's office to investigate the potential conflict of interest associated with Councilmember Livengood's consulting business. The total cost,

including document review and compilation, research, attendance at council meetings, and responses to outside investigators' requests for additional information and documents, was \$12,406.36.

Recommendation: Receive report on the costs.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Chair/Mayor

RA2. Roll Call

RA3. Approval of Minutes (February 21, 2006)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library and East Parking Garage, Project Nos. 8162, 8161 (Staff Contact: Mark Rogge, 586-3403)

Background: The Library Subcommittee met on February 28 and heard a progress report on the Library and Parking Garage. The Library architect, Group 4 Architecture, is underway with the construction documents phase of design. The Parking Garage architect, Chong Partners, is also at the 95% construction documents phase of design. Preliminary site preparation work is also in progress. Staff will provide a brief presentation on the progress of these projects.

Recommendation: Receive the progress report on the design of the Library and Midtown East Parking Garage.

RA6. Authorize The City Manager To Execute An Agreement For Consultant Services with Critical Solutions, Inc. for the Library, Garage, N. Main Street Development, Project Nos. 8162, 8161, 8165, 8153, 8154, and Other Projects as Assigned (Staff Contact: Mark Rogge, 586-3403)

Background: Staff issued a Request For Proposals (RFP) for project management services consistent with the City's policy on consultant selection for the new Library, Garage and related North Main Street development projects. Staff recommends Critical Solutions, Inc. (CSI) for these services. CSI would provide project management and technical support services for the new Library, Parking Garage and related North Main Street Development projects.

At the February 28, 2006 Library Subcommittee meeting, the Subcommittee heard a presentation by Critical Solutions, Inc. and reviewed the draft scope of work. Critical Solutions, Inc. has significant experience in library and related construction and other publicly bid projects in the Bay Area.

Specific consultant project management tasks over the next three years include: plan and specification review; independent cost estimating; monitoring project budgets and schedules; pre-qualification and bidding assistance; initial review and processing of submittals, requests for information, construction meeting minutes, and related construction documentation; quality assurance inspection; coordination of construction meetings; and organizing and keeping record of as-built work; and related work.

These services would be provided on a time and materials basis not to exceed \$2,200,000, which is considered reasonable for the effort involved. The project scope within the agreement indicates the budgetary amount for each project. The current respective project budgets and cost plans are sufficient to fund the services to be provided.

Recommendation: Authorize the City Manager to execute an agreement with Critical Solutions, Inc. in the amount of \$2,200,000 subject to approval as to form by the City Attorney.

RA7. Review and Consider the Draft 2005-2010 Redevelopment Implementation Plan and Set a Public Hearing for April 18, 2006 for Consideration of the Final 2005-2010 Implementation Plan (Staff Contact: Diana Whitecar, 586-3059)

Background: California Community Redevelopment Law (CRL) requires redevelopment agencies to adopt an Implementation Plan every five years. The purpose of the Implementation Plan is to set goals and objectives that will guide efforts to eliminate blight over the next five years and estimate the revenues and expenditures anticipated by the Agency in the five year period. The Plan contains an affordable housing section to help the Redevelopment Agency monitor progress in meeting the community's affordable housing needs and provides an overview of accomplishments of the previous five year period.

The draft Implementation Plan (Exhibit A) is presented tonight for Council review and direction on redevelopment programs and activities for the next five years. This direction will be incorporated into a final Implementation Plan that the Council will consider as part of a public hearing required by CRL.

The Milpitas Redevelopment Agency adopted its first Five Year Implementation Plan in 1994 when CRL was amended to require Implementation Plans. It was revised in 1996 when the Agency's tax increment revenue cap was increased. A new Five Year Implementation Plan was approved in 2000 and it is now time to adopt the third Milpitas Redevelopment Agency Five Year Implementation Plan. The Implementation Plan covers both Project Area No. 1 and the Great Mall Redevelopment Project Area.

It is anticipated over the next five years that the Agency will receive nearly \$150 million in property tax revenues, known as tax increments from Project Area No. 1. The Great Mall Project Area does not generate tax increment revenue, nor does the Agency accrue sales tax revenue from the Project Area. Twenty percent (20%) of the tax increment or approximately \$30 million will be set aside for Low and Moderate Income Housing. The remaining tax increment funds of \$120 million, combined with interest income and fund reserves over the five years, provides the Agency nearly \$131 million for its 80% redevelopment programs and operations. Table B in the attached draft Implementation Plan illustrates the revenue and expenditure projections in more detail.

While this tax increment growth is positive, projected annual expenditures for operations, bond debt payments and legislated pass-through to other taxing entities and funding the approved 2005-2010 Capital Improvement Program requires the Agency utilize its existing fund balance. Based on these projections, at the end of the five year period, the 80% fund will have used its fund reserve and accrue only \$7 million for new projects and programs.

The 20% Housing Set Aside Program is projected to end the five year period with approximately \$19 million in its fund balance. However, it is incumbent upon staff to recommend use of these funds, as accumulation of Housing Set Aside funds is inconsistent with CRL.

Over the last five years, well over half of the 80% redevelopment funds have been used to upgrade the City's storm drain, sewer and water systems, improve local streets and traffic signals as well as substantially contributing to the construction of critical freeway improvements. The remaining redevelopment funds were used to make substantial and critical community and parks improvements. Over the last five years, the 20% fund has financed the construction of 477 very low, low, and moderate income housing units and provided financing for 228 future units. An overview of these accomplishments will be presented at the City Council meeting.

Recommendation: That the Redevelopment Agency Board provide direction to staff in the preparation of the final 2005-2010 Redevelopment Implementation Plan and schedule a public hearing for April 18, 2006 on the final Implementation Plan.

***RA8. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: North Main Street Development Soil Remediation and Site Preparation, Project No. 8154 (Staff Contact: Mark Rogge, 586-3403)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). This phase of the project includes contaminated soil remediation and site preparation at 86-116 N. Main Street in preparation for construction of the new library and Midtown East parking garage.

The Engineer's estimated construction cost for the work is approximately \$700,000, and funds are available in the project budget. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

Recommendation:

1. Approve plans and specifications.
2. Authorize advertising for bid proposals.

***RA9. Adopt Resolution Granting Initial Acceptance: Coyote Creek Trail, Reach 1, Project No. 4206 (Staff Contact: Mark Rogge, 586-3403)**

Background: This project provided a new pedestrian and bicycle trail, with trail amenities, along Coyote Creek that extends from North McCarthy Boulevard at Coyote Creek to the Ranch Drive cul-de-sac. Additional improvements included decorative paving, seat walls, gateway signs, plantings, irrigation, and related work at the creek trail entries. The City Council awarded the project to GradeTech, Inc. on February 1, 2005. The Contractor has completed the project work, and final inspection was performed in February 2006. Therefore, an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$69,289.50, which is 10% of the contract amount.

A ceremonial ribbon cutting will be scheduled in late April, in order to include a community activity such as an organized bike ride and/or walk.

The project was funded with several grants, developer reimbursements, and some matching funds from the RDA. Staff is completing the paperwork required by the grants, for receiving over \$900,000 in outside funding reimbursements, of which over \$500,000 has already been received.

Recommendation: Adopt Resolution granting initial acceptance of the project subject to the one-year warranty period and reduction of the faithful performance bond to \$69,289.50.

***RA10. Approve Purchase Order for Meyers Nave for Public Works Litigation Expenses for Fiscal Year 2005-2006 (Staff Contact: Richard Pio Roda, 586-3040)**

Background: This Purchase Order is for expenses associated with the City Hall litigation matter for FY 2005-06.

Recommendation: It is recommended that the City Council/Redevelopment Agency approve a purchase order for Meyers Nave in the amount of \$300,000 for public works litigation expenses for fiscal year 2005-06 and approve appropriation of the \$300,000 from the Redevelopment Agency undesignated reserve to the City Attorney's Department Supplies and Services Budget for fiscal year 2005-06.

RA11. Agency Adjournment

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

*** 3. Mayor's recommendation to Commission (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends the following appointment to the Economic Development Commission:

Appoint Anastasia Sen-Beals to a vacancy for a hotel representative that expires in April 2007.

Recommendation: Move to approve the Mayor's recommendation.

XVIII. NEW BUSINESS (NONE)

XIX. ORDINANCES

4. Waive Second Reading and Adopt Ordinance No. 273, Adding Section 1.15 To and Amending Sections 1.01 and 1.03 of Chapter 500 of Title I of the Milpitas Municipal Code related to the Appointment, Power and Duties of an Alternate Member of the City of Milpitas Planning Commission (Staff Contact: Richard Pio Roda, 586-3040)

Background: At its February 7, 2006 regular meeting, Council directed the City Attorney's Office to prepare and present for first reading an ordinance authorizing the City Council to appoint an alternate member to the City of Milpitas Planning Commission. The ordinance amends sections of Chapter 500 of Title I of the Milpitas Municipal Code related to the Planning Commission's composition and terms of office. The Ordinance also adds a section related to the alternate Commissioner's duties, powers and responsibilities while on the Commission. The City Attorney edited the text of the Ordinance upon first reading at the Council's February 21, 2006 meeting amending Section 10.01 to add a second paragraph; those changes are reflected in the attached Ordinance.

Additionally, staff requests direction from the City Council on procedures for appointment of the Alternate member to the Planning Commission.

Recommendation:

1. Waive the second reading.
2. Adopt Ordinance No. 273.
3. Provide direction to staff on the procedure for recruitment and appointment of the Alternate to the Planning Commission.

*** 5. Waive Second Reading and Adopt Traffic Ordinance No. 43.203, an Amendment to the Traffic Code, to Change Speed Limits on Various Streets (Staff Contact: Jaime Rodriguez, 586-3335)**

Background: Traffic Ordinance 43.203 was introduced on February 21, 2006 via a motion by Councilmember Livengood. The purpose of the ordinance is to change the posted speed limits on the streets listed below to make them more consistent with existing traffic patterns.

<u>Street</u>	<u>Speed Zone Segment</u>	<u>Existing Speed Limit</u>	<u>Proposed Speed Limit</u>
N. Abel St	Great Mall Pkwy. to 600-FT South of Sylvia Ave.	40 MPH	35 MPH
Escuela Pkwy.	Jacklin Rd. to 200-FT South of Russell Ln	35 MPH	30 MPH
Sycamore Dr.	Entire Section	40 MPH	35 MPH
Cottonwood Dr.	Entire Section	40 MPH	35 MPH

The following roadway segments are also included in Traffic Ordinance 43.203 so that the streets could be included in the Municipal Code but no change in speed limit is proposed for them.

Street	Speed Zone Segment	Existing Speed Limit	Proposed Speed Limit
Heath St.	Entire Section	25 MPH	25 MPH
Weller Ln.	Entire Section	25 MPH	25 MPH

Recommendation:

1. Waive second reading of the Traffic Ordinance.
2. Adopt Traffic Ordinance No. 43.203.

XX. RESOLUTIONS (NONE)

XXI. BIDS AND CONTRACTS

- * **6. Authorize the City Manager to Execute an Agreement with CalRecovery, Inc., for Solid Waste Franchise Compensation Audit Services (Staff Contact: Darryl Wong, 586-3345)**

Background: On December 16, 2005, a Request for Proposal soliciting services from qualified consultants with experience in auditing solid waste collection franchise programs was sent to twenty-two firms. Scope of work includes evaluating the reasonableness of the City solid waste franchise compensation revenues for a three-year period, and determining if billing practices are accurate.

On January 19, 2006, the City received proposals from four firms that were subsequently evaluated and ranked. On February 14, 2006, the top two-rated consultants were interviewed in conformance with the City's consultant selection process and CalRecovery, Inc. received the highest rating. Staff recommends CalRecovery, Inc. to perform the requested services. A final scope and cost for these services has been negotiated at a not-to-exceed amount of \$44,890. There are sufficient funds in the Engineering operating budget to cover this expense.

Recommendation: Authorize the City Manager to execute the agreement with CalRecovery, Inc, in the amount of \$44,890, subject to approval as to form by the City Attorney.

- * **7. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals: Sewer Deficiency and Structural Correction Program, Project No. 6073 (Staff Contact: Doug DeVries, 586-3313)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides for the replacement of sewer main pipelines, due to structural deficiencies, differential settlement, and damage discovered with the City's video inspection program. The sewer mains in this project require frequent maintenance. Replacement of these mains will eliminate the amount of maintenance required, and allow staff resources to provide additional preventive maintenance on the utility infrastructure. This phase of the project will provide for sewer line replacements at 1665 Cortez Street to Cortez Street at Coelho Street, Dixon Road at Conway Street to the Hetch Hetchy right of way, 750 Terra Bella Drive north to Valencia Drive, 791 Valencia Drive to 751 Valencia Drive, Corinthia Drive at Martil Way to 739 Corinthia Drive, Moonlight Circle, Spence Avenue at Whittier Street to Spence Avenue at Casper Street, Norwich Avenue at Barker Street to Norwich Avenue at Casper Street, Barker Street at Norwich Avenue to 212 Barker Street, 380 Monmouth Drive to Monmouth Drive at Edsel Drive, 1425 Saturn Court to end of Saturn Court, and Carnegie Drive at Edsel Drive to Carnegie Drive at Freeland Drive. This project will also provide for manhole cover adjustments on Roswell Drive from Canton Drive to Edsel Drive, to adjust manholes covers such that they are level with the adjacent pavement.

The Engineers Estimate cost for the work is approximately \$1,100,000. Funds are available in the project budget. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

Recommendation:

1. Approve plans and specifications
2. Authorize advertising project for bid proposals.

* **8. Approve New Capital Improvement Project and Budget Appropriation for Milpitas Communications Enhancements, Project No. 4232 (Staff Contacts: Jaime O. Rodriguez, 586-3335, Terry Medina, 586- 2703)**

Background: The City owns and manages various communications facilities that are used to link voice, data, emergency response systems, and traffic signal facilities. The existing system was built through various capital improvement projects, partnerships with large private developers such as X/O Communications & Nextel Communications and by regional partnerships with the Silicon Valley – Intelligent Transportation Systems program.

Currently there are gaps in the system that are required to be filled in order to provide access to future facilities in the Midtown Area including the new Milpitas Library, the new East Parking Garage and both existing & future traffic signal facilities in the future Transit Area around the Great Mall.

This new project will close the gaps by providing for the design & construction of dedicated City owned conduits, fiber optic cables & other communications equipment along Abel Street and Milpitas Boulevard. The project will also include improvements to the Milpitas Public Work Corporation Yard communications systems and the City's Data Center communications systems.

The project will be built in two Phases to minimize disruptions to existing City facilities. Phase 1 includes improvements from the Milpitas Public Works Corporation Yard to the intersection of Abel Street & Curtis Avenue. It is anticipated that the construction for Phase I will occur in FY2006-07, which will expand the current communications systems to support the new Library and East Parking Garage. This construction will also coincide with the street improvements that are scheduled to be done by KB-Homes on Abel Street. Phase 2 includes improvements from the Milpitas Public Works Corporation Yard to the intersection of Milpitas Boulevard & Gibraltar Drive. Construction of Phase II will occur in FY2007-08.

Funding and management for the project will be provided through a joint effort of the Public Works/Engineering Department and the Information Services Department. \$75,000 from the Street Fund is required now to complete the design stage of the two phases of the project. During the preparation of the FY2006-07 CIP, \$340,000 will be programmed for the construction of these improvements.

Recommendation:

1. Approve a new Capital Improvement Project Entitled Milpitas – Communications Enhancements.
2. Approve Budget Appropriation of \$75,000 from the Street Fund for this project.

XXII. CLAIMS AND DEMANDS

- * 9. **Approve Payment Request to Medtronic Emergency Response Systems (Staff Contact: Chris Schroeder, 586-3161)**

Background: In accordance with Ordinance No. 23.10 of the Municipal Code, Purchasing has prepared the following purchasing request over \$20,000 for approval:

1. \$20,505.00 to Medtronic Emergency Response Systems for the annual service and support agreement for our seven (7) LifePak 500 Defibrillators/Monitors, five (5) LifePak 12 Defibrillators/Monitors, and three (3) Battery Support System 2 chargers. Service includes one (1) on site inspection, calibration, for all units per year with battery replacement coverage for the LifePak 500 units, as needed.

(Funds are available from the Fire Department operating budget for this purchase.)

Recommendation: Approve the payment request.

XXIII. ADJOURNMENT

**NEXT CITY COUNCIL MEETING - BUDGET STUDY SESSION
TUESDAY, MARCH 14, 2006, AT 6:00 P.M.**

**REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MARCH 21, 2006, AT 7:00 P.M.**